

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)	
)	No. 2:08-MJ-151
V.)	Magistrate Judge Inman
)	
MEDA JOY HALAVA)	

MEMORANDUM

This memorandum is filed to memorialize the judicial determination of probable cause to support the warrantless arrest of Meda Joy Halava on August 16, 2008.

At approximately 11:00 a.m. on Saturday, August 16, 2008, the undersigned, Dennis H. Inman, United States Magistrate Judge, received a telephone call from Assistant United States Attorney M. Neil Smith. Mr. Smith advised that at approximately 10:30 p.m. on August 15, 2008, National Forest Service law enforcement officer Kim Coleman had made a warrantless arrest of Meda Joy Halava in the Shook Branch recreation area of the Cherokee National Forest for the offenses of possession of marijuana and possession of drug paraphernalia.

After discussions with the magistrate judge, Mr. Smith prepared a criminal complaint charging Meda Joy Halava with the foregoing offenses, which included an affidavit to be signed by Officer Coleman based upon her description of the facts underlying the arrest of Ms. Halava. AUSA Smith then e-mailed that complaint and accompanying affidavit to the

magistrate judge.

The magistrate judge then telephoned Officer Coleman at the phone number supplied by AUSA Smith. The magistrate judge is quite familiar with Officer Coleman's voice by virtue of her appearances in court almost every month for the past thirteen years. After Officer Coleman was placed under oath, she confirmed that she also had received an e-mail from AUSA Smith with the proposed complaint and affidavit as an attachment. Officer Coleman thereupon read aloud the complaint and her affidavit, and they were identical to the complaint and affidavit sent to the magistrate judge. Officer Coleman testified that the facts as set forth in the complaint and the accompanying affidavit were true.

Based upon the testimony of Officer Coleman, the magistrate judge determined that the complaint and accompanying affidavit stated probable cause to believe that Meda Joy Halava committed the offenses of (1) possession of marijuana, and (2) possession of drug paraphernalia as charged in the criminal complaint. Accordingly, with the permission of Officer Coleman, the magistrate judge signed her name to the complaint and the affidavit, and thereafter then signed himself.

Officer Coleman was instructed to bring Meda Joy Halava before the court on Monday, August 18, 2008, at 10:00 a.m. for an initial appearance. Prior to that hearing, Officer Coleman personally appeared before the magistrate judge and was again placed under oath. She was shown the criminal complaint and affidavit to which her name was signed by the magistrate judge on the previous Saturday, and she confirmed that they indeed were the same as those e-mailed to her by AUSA Smith. She thereupon signed the complaint and the

affidavit in proximity to her signatures as previously written by the magistrate judge.

This 18th day of August, 2008, at 9:45 a.m.

SO ORDERED:

s/Dennis H. Inman
United States Magistrate Judge